GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

MINES & MINERALS - Mining Lease for Limestone over an extent of 613.476 Hectares in various Survey Numbers of Tangeda Village, Dachepalli Mandal, Vemavaram & Chennayapalem Villages, Machavaram Mandal of Guntur District held by M/s Saraswathi Power and Industries (P) Limited - Declared as lapsed under rule 28 (1) of M.C.Rules, 1960 – Hon'ble High Court of A.P., issued orders in W.P.No.33420/2014 filed by the company for restoration of Mining Lease - Mining Lease restored - Orders - Issued.

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INDUSTRIES, INFRASTRUCTURE, INVESTMENT & COMMERCE (M.III) DEPARTMENT

G.O.MS.No. 109 Dated: 12-12-2019

Read the following:-

1. G.O.Ms.No.98, Industries & Commerce (M.II) Department, dt.09.10.2014.
2. Orders of the Hon'ble High Court of A.P., dt.15.10.2019 in W.P.No.33420/2014.
3. From the Director, M/s Saraswathi Power & Industries Pvt. Limited, Lr., dt:27.11.2019 received through DMG, A.P.,
4. From the Director of Mines & Geology, Govt., of A.P., Vijayawada., File No.14152/R3-3/2014, Dt.04.12.2019.

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O R D E R :

In the G.O 1st read above, Government have issued orders declaring the Mining Lease held by M/s. Saraswathi Power and Industries (P) Ltd., for Limestone, over an extent of 266.014 Hectares in Sy.Nos. 1 to 15, 27, 28, 30 to 34, 37, 148 to 152, 158, 160 to 190, 196 to 217, 220, 228, 335 to 343, 348 to 359, 367 to 368 of Tangeda, Dachepalli Mandal and over an extent of 145.208 Hactares in Sy.Nos.405 to 465, 689 to 692, 694 to 698, 700 to 703 of Vemavaram Village, Machavaram Mandal; and over an extent of 202.254 Ha in Sy.Nos.1 to 38, 43, 44, 58 of Chennayapalem Village, Machavaram Mandal of Guntur District, aggregating to an extent of 613.476 Hectares, in total, as lapsed under the provisions laid down under Rule 28(1) of Mineral Concession Rules, 1960, with effect from 20.08.2011 for the following reasons :

1) The Mining Lease is non-working and kept idle since execution of lease deed which attracts action under Rule-28 (1) of MC Rules, 1960.
2) The Mining Lease holder is in Mineral Revenue dues of Rs. 23,922.00 as on 31.03.2011, which is a breach of Rule-27 (1) of MC Rules, 1960 read with covenant 1 part of VII of the lease deed executed.

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3) The Lessee Company has failed to file a representation under Rule 28 (2) of MC Rules, 1960 before the Government within the prescribed time limit.
4) M/s Saraswathi Power and Industries (P) Limited failed to establish the cement plant for captive purpose.
5) M/s Saraswathi Power and Industries (P) Limited failed to furnish the Environmental Clearance from MoEF, Govt., of India and Consent for Establishment & Consent for Operations from APPCB under Environment Impact Assessment as per S.O.1533, dt.14.09.2006, as per the conditions mentioned in the G.O.Ms.No.107, Ind & Com (M.III) Dept., dt.18.05.2009.

2. Aggrieved by the above orders, M/s Saraswathi Power and Industries (P) Limited., have filed a Writ Petition before the Hon'ble High Court of A.P., declaring the action of the Government in issuing the G.O 1st read above as arbitrary, illegal and prayed for consequential relief of restoring the Mining Lease.

3. In the orders 2nd read above, the Hon'ble High Court of A.P., on 15.10.2019 in WP. No. 33420/2014 has issued the following direction;

> "*The respondents shall consider the application of the petitioner and pass orders restoring the Mining Lease from 20.08.2019.*
>
> *Accordingly, the writ petition is allowed setting aside the operation of G.O.Ms. No. 98, I&C (M.II) dept., dt. 09.10.2014. There shall be no order as to costs.*
>
> *As a sequel, miscellaneous petitions pending, if any, shall stand closed"*

4. In the file 4th read above, the Director of Mines & Geology, A.P., Vijayawada who examined the matter, has reported that after issuing G.O. 1st read above, M/s Saraswathi Power and Industries (P) Limited., have got the Environmental Clearance from the MoEF file No.J-11011/543/2009-IAII(1), dt.29.03.2012 extended upto 28.03.2022, through File No.J -11011/543/2009-IAII(1), dt.03.07.2019. Further, he has reported that M/s Saraswathi Power and Industries (P) Limited have applied for CFE on 12.07.2012 to APPCB which is under process. They have also applied for allotment of Water from Krishna River and they have requested the South Central Railway for Railway siding from Tummalacheruvu on Guntur Nadikudi Section, which is under process. They have also paid all the outstanding Mineral Revenue Dues.

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5. The Director of Mines & Geology, Government of Andhra Pradesh, Vijayawada, has, therefore, requested the Government to take further action in view of the orders of the Hon'ble High Court of A.P, dt.15.10.2019 in W.P.No.33420/2014.

6. After careful examination of the mater, Government hereby restore the Mining Lease held by M/s. Saraswathi Power and Industries (P) Ltd., for Limestone, over an extent of 266.014 Hectares in Sy.Nos. 1 to 15, 27, 28, 30 to 34, 37, 148 to 152, 158, 160 to 190, 196 to 217, 220, 228, 335 to 343, 348 to 359, 367 to 368 of Tangeda, Dachepalli Mandal and over an extent of 145.208 Hactares in Sy.Nos.405 to 465, 689 to 692, 694 to 698, 700 to 703 of Vemavaram Village, Machavaram Mandal; and over an extent of 202.254 Ha in Sy.Nos.1 to 38, 43, 44, 58 of Chennayapalem Village, Machavaram Mandal of Guntur District, aggregating to an extent of 613.476 Hectares, in total, as ordered by the Hon'ble High Court of A.P, vide orders 2nd read above.

7. The Director of Mines & Geology, Government of Andhra Pradesh, Vijayawada shall take necessary action accordingly in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K. RAMGOPAL
SECRETARY TO GOVERNMENT (MINES)

To
M/s Saraswathi Power and Industries Pvt Ltd,
Plot No.268/S/98, Sagar Society, Road No, 2,
Banjarahills, Hyderabad -34 (BY RPAD)
The Director of Mines & Geology, Government of Andhra Pradesh,
Vijayawada, (with file)
Copy to:
The Zonal Joint Director of Mines & Geology, Ongole, Prakasam District.
The Assistant Director of Mines & Geology, Dachepalli, Guntur District.
The District Collector, Guntur district.
The Secretary to Govt. of India, Ministry of Mines, Sastry Bhavan,
New Delhi-110001.
The Controller General, Indian Bureau of Mines, Indira Bavan,
Civil Lines, Nagpur - 440001.
The Director General, Mines Safety, Dhanbad, Jarkand.
The Regional Controller of Mines, Koti, Hyderabad.
SF//SCs (C.No.11232/M.III(2)/2014)

//FORWARDED :: BY ORDER//

SECTION OFFICER